

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 13-2655 (DSD/LIB)

Karon Kenya Baldwin,

Petitioner,

v.

**ORDER**

Warden Michelle Smith,

Defendant.

This matter is before the court upon the pro se objection<sup>1</sup> by petitioner Karon Kenya Baldwin to the October 3, 2013, report and recommendation of Magistrate Judge Leo I. Brisbois. In his report, the magistrate judge recommends that Baldwin's 28 U.S.C. § 2254 petition for a writ of habeas corpus be denied because the petition is barred by the one-year statute of limitations set forth in 28 U.S.C. § 2244(d)(1). Further, the magistrate judge recommends that this action be dismissed with prejudice, pursuant to 28 U.S.C. § 2244(d). Baldwin objects for reasons not responsive to the report and recommendation.

The court reviews the report and recommendation of the magistrate judge de novo. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b). After a thorough review of the file and record, the court finds that the report and

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<sup>1</sup> Baldwin filed a "Reply to Report and Recommendation." ECF No. 6. Given his pro se status, the court construes this as an objection to the report and recommendation.

recommendation of the magistrate judge is well reasoned and correctly disposes of the petition. Accordingly, **IT IS HEREBY ORDERED** that:

1. Petitioner's objection [ECF No. 6] to the magistrate judge's report and recommendation is overruled;
2. The magistrate judge's report and recommendation [ECF No. 3] is adopted in its entirety;
3. Petitioner's application for a writ of habeas corpus [ECF No. 1] is denied;
4. This action is dismissed with prejudice; and
5. Pursuant to 28 U.S.C. § 2253(c)(1)(A), the court denies a certificate of appealability.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: February 19, 2014

s/David S. Doty  
David S. Doty, Judge  
United States District Court